GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services- PR & RD Department – Allegation of corruption against Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District - Trapped on 31.08.2002 - Convicted by the ACB court - Dismissed from the service – Filed Criminal Appeal No.1174 of 2007 before the Hon'ble High Court, A.P - Expired on 12.03.2017 - Criminal Appeal allowed and acquitted by the Hon'ble High Court – Implemented – Orders - Issued

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.67 **Dated:19.01.2024.**

Read the following:

1. From the DG, ACB, Lr.No.213/RCT-ATP/2002/S.14, Dt:06.01.2003.
2. G.O.Ms.No.123, PR&RD (VS.I) Department, Dt:16.04.2003.
3. From the Addl. Spl. Judge for SPE & ACB cases, Hyderabad, judgment dt:12.09.2007 in C.C.No.19/2003.
4. G.O.Ms.No.419, PR&RD (Vig.II) Department, Dt:16.12.2010.
5. From the Hon'ble High Court of A.P., Order dated25.07.2022 in Crl. Appeal No.1174/2007.
6. Representation from Smt. S. Geetah Gandhi Vani W/o. Sri B. Chandra Obula Reddy, former MEO, Tadimarri (M), Anantapuramu District (expired), dt:08.02.2023.
7. Govt. Memo No.2046377/Vig. II/2023, dt: 15.04.2023.
8. From the DG, ACB, AP, Vijayawada, Letter Rc. No. 213/RCT-ATP/2002. Dt: 19.05.2023.

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ORDER:

In the reference 1st read above, the Director General, Anti-Corruption Bureau, has furnished final report against Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District, who demanded and accepted an illegal gratification of Rs.20,000/- from the complainant for doing official favour of recording the measurements in M.Book in respect of the work of maintenance of road from Ekapadampalli to Ganjepali in Anantapuramu District and recommended to accord sanction for the prosecution of accused officer in the court of law.

2. In the reference 2nd read above, Government have accorded sanction for prosecution of the said Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District, for the alleged offences under sections 7, 13(1) (d) read with section 13 (2) of the Prevention of Corruption Act, 1988, in a court of law.

3. In the reference 3rd read above, the Special Additional Judge for SPE & ACB Cases, Hyderabad, vide judgment dt:12.09.2007 in CC No.19/2003 convicted Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District under Section 248 (2) of the Code

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of Criminal Procedure 1973, sentenced to undergo rigorous imprisonment for a period of two (2) years and to pay a fine of Rs.5,999/- and in default, to suffer simple imprisonment for six (6) months for the offences punishable under Section 7 of Prevention of Corruption Act, 1988; and also sentenced to undergo rigorous imprisonment for a period of two (2) years and to pay a fine of Rs.5,000/- and in default, to suffer simple imprisonment for six (6) months, for the offences punishable under Sections 13 (1)(d) read with section 13 (2) of Prevention of Corruption Act, 1988; and that all the sentences of imprisonment of the accused, are ordered to run concurrently.

4. Aggrieved by the trail court judgment, Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District, has filed criminal appeal No.1174/2007 before the A.P. High Court. The Hon'ble High Court in its orders dt:14.09.2007 in Criminal. A.M.P. No. 1569 of 2007 in Criminal Appeal No. 1174 of 2007, has suspended the sentence of imprisonment alone imposed on the accused officer Sri B. Chandra Obula Reddy by the SPE & ACB Court, and the conviction remains.

5. Accordingly, in the reference 4th read above, the Government dismissed Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal, Ananthapuramu District, from service in exercise of the powers conferred by Rule 25 (i) of Andhra Pradesh Civil Services (CC&A) Rules, 1991 read with Rule 9 thereof since he was convicted and his continuance in the public service undesirable.

6. In the reference 6th read above, Smt. S. Geetah Gandhi Vani W/o. Sri B. Chandra Obula Reddy, former MEO, Tadimarri (M), Anantapuramu District (expired) has submitted a representation duly stating that her husband was expired on 12.03.2017 and subsequent to his death, she herself got impleaded in the above Criminal Appeal. The Hon'ble High Court of Andhra Pradesh vide their judgment dt:25.07.2022 allowed the Criminal Appeal No. 1174 of 2007 duly setting aside the ACB Court judgment dt:12.09.2007 in CC No. 19 of 2003. She has requested to consider and treat her husband's suspension period from service as spent on duty for all purposes and to release all the pensionary benefits to her in the matter.

7. In the reference 8th read above, the Director General, Anti-Corruption Bureau, Andhra Pradesh has furnished report along with judgment of the Hon'ble High Court of AP dt:25.07.2022 in Criminal Appeal No.1174 of 2007 and requested the Government to take necessary action in the matter.

8. In the reference 5th read above, the Hon'ble High Court of Andhra Pradesh allowed the Criminal Appeal No. 1174 of 2007 filed by Sri B. Chandra Obula Reddy, AEE (died) and Smt. S. Geetah Gandhi Vani (got impleaded). The operative portion of the judgment as follows:

> *"25. In view of the foregoing discussion, this Court no hesitation to hold that the prosecution failed to establish its case against the accused for the offences alleged, beyond reasonable doubt, and the applicant / accused is entitled for benefit of doubt. The trail court did not consider the evidence on record in light perspective and came to wrong conclusion. Hence, the impugned judgment is liable to be set aside.*

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26. In the result, Criminal Appeal is allowed, setting aside the judgment dated:12.09.2007 passed in CC No. 19 of 2003 on the file of the Addl. Spl. Judge for SPE & ACB Cases, City Civil Court at Hyderabad. The appellant / accused is found not guilty of the offences punishable under Section 7 and 13 (1)(d) read with 13 (2) of the PC Act, 1988 and is accordingly acquitted of the same. The bail bonds of the appellant / accused shall stand cancelled, and the fine amount, if any, paid by the appellant / accused shall be refunded to him forthwith".

9. Government after careful examination of the matter and duly keeping in view the demise of Sri B. Chandra Obula Reddy, Assistant Executive Engineer / Mandal Engineering Officer, Tadimarri Mandal, Anantapuramu District, have taken a decision to implement the orders of Hon'ble High Court of A.P. dt:25.07.2022 in Criminal Appeal No.1174 of 2007.

10. Accordingly, Government hereby order to implement the orders dated:25.07.2022 of the Hon'ble High Court of A.P. in Criminal Appeal No.1174/2007 filed by Sri B. Chandra Obula Reddy, formerly Mandal Engineering Officer, Tadimarri Mandal Anantapuramu District (expired on 12.03.2007).

11. The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada, shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNER OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada.
Smt. S. Geetha Gandi Vani, W/o. Late B. Chandra Obula Reddy, former AEE / MEO, Tadimarri (M), Anantapuramu District (expired)
D.No. 1-264, HLC Colony road, Neat TTD Kalyana Mandapam,
Tadimarri Mandal, Anantapuramu District, A.P.
through the Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
(with a request to serve on the spouse of deceased and furnish dated acknowledgment)

Copy to:
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.
The PR&RD (Estt. I) Department.
SF/SC.

//FORWRDED::BY ORDER//

SECTION OFFICER